REMARKS

In the Office Action mailed February 4, 2008, the Examiner noted that claims 3, 4, 8, 9, 11, 12, 15, 16 and 19-21 were pending and rejected claims 3, 4, 8, 9, 11, 12, 15, 16 and 19-21. Claims 19-21 have been amended, no claims have been canceled, no new claim has been added; and, thus, in view of the foregoing claims 3, 4, 8, 9, 11, 12, 15, 16 and 19-21 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

Rejection under 35 U.S.C. § 102

The Office Action, on page 3, rejected claim 19 under 35 U.S.C. § 102(e) as being anticipated by Pierre-Louis (U.S. Patent No. 6,421,777, hereinafter "PL").

Claim 19, as amended, recites "preparing, at said server, a plurality of kinds of data as backup data" and "selecting one of the plurality of kinds of data to be installed in the client" (claim 19, lines 3-4). Therefore, it is submitted that claim 19 is patentable over PL for reasons similar to those discussed below with respect to claim 3.

Accordingly, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

The Office Action, on page 4, rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Selitrennikoff et al. (U.S. Patent No. 6,209,089, hereinafter "Seli") in view of PL.

Claim 20, as amended, recites "said server preparing a plurality of kinds of data as the backed-up data, and said selecting one of the plurality of kinds of data to be installed in said client" (claim 20, lines 10-11). Therefore, it is submitted that claim 20 is patentable over Seli and PL, taken alone or in combination, for reasons similar to those discussed below with respect to claim 3.

Claim 21, as amended, recites "selecting one of a plurality of kinds of data prepared as backup data in said server" (claim 21, line 5). Therefore, it is submitted that claim 21 is patentable over Seli and PL, taken alone or in combination, for reasons similar to those discussed below with respect to claim 3.

The Office Action, on page 5, rejected claims 3, 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Gusler et al. (U.S. Publication No. 2002/0156965, hereinafter "Gusler").

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Seli is related to booting computers over a network regardless of changes in the hardware configuration of the computers since the last time the computers were connected to the server (see column 1 lines 9-13, of Seli).

However, claim 3 recites "a plurality of kinds of data are prepared in said server as the backed-up data, [where] one of the plurality of kinds of data is selected".

It is submitted that claim 3 is patentable over Seli, as Seli fails to disclose, either expressly or implicitly, at least the features of claim 1, as quoted above, for at least the following reasons.

According to Seli, if a hard disk has been replaced, the replacement hard disk automatically receives copies of information previously stored on the original hard disk (see column 2 line 65 – column 3 line 1, of Seli). However, in claim 3 "plurality of kinds of data *are prepared in said server* as backed-up data". Therefore, instead of preparing in the server "a plurality of kinds of data ... as backed-up data", as in claim 3, Seli is merely concerned with receiving copies of information previously stored *on the original hard disk.*

Further, nothing was found in column 2 line 65 – column 3 line 4 of Seli that discloses, either expressly or implicitly, "a plurality of kinds of data *are prepared in said server* as the backed-up data". This is not surprising since column 2 line 65 – column 3 line 4 of Seli is merely concerned with a client receiving copies of information previously stored on *the original hard disk*, rather than "preparing in said server" a plurality of kinds of data as the backed-up data.

Further, the Office Action, on page 6, asserted that column 9, lines 3-10 and 38-42 of Seli discloses "one of the plurality of kinds of data is selected", as recited in claim 3. However, neither lines 3-10 nor lines 38-42 of column 9 of Seli disclose, either expressly or implicitly, such a feature, as quoted above, because column 9 lines 3-10 of Seli describes that

> [a] server computer ... store[s] therein an operating system chooser 68, which is an executable software program further described herein. Installation point 70 is a repository containing various device drivers and operation system components that may be selected and installed to support any of a number of new or replacement hardware components of client computer 24.

Stated another way, column 9 lines 3-10 of Seli is merely concerned with a repository that includes drivers to be selected and installed to support new or replacement hardware components, instead of selecting "one of the plurality of kinds of data" prepared in the server "as the backed-up data", as in claim 3.

Further, column 9 lines 38-42 of Seli describes that

> [fig.] 4 illustrates selected components of the client computer that is assigned to server computer 22 of Fig. 3. The critical and non-critical hardware components of client computer 34 may be of any type and source that are compatible with operating system used in the network.

Stated another way, column 9 lines 38-42 of Seli is merely concerned with components of the client computer that are selected, instead of selecting "one of the plurality of kinds of data" prepared in the server, as in claim 3.

Therefore, in view of the above, it is submitted that Seli fails to disclose, either expressly or implicitly, the features of claim 3, as quoted above.

Further, nothing was cited or found in PL that cures the deficiencies of Seli, as discussed above with respect to claim 3, since PL is merely concerned with monitoring and changing boot images in a distributed data processing system (see column 1 lines 9-11, of PL).

Nothing was cited or found in Gusler that cures the deficiencies of Seli, as discussed above with respect to claim 3, since Gusler is merely concerned with backing up data in computers within a distributed data processing system (see paragraph [0002] of Gusler).

Therefore, in light of the above, it is submitted that claim 3 is patentable over Seli, PL, and Gusler.

Claim 8 recites features similar to those in claim 3. Therefore, it is submitted that claim 8 is patentable over Seli, PL, and Gusler, taken alone or in combination, for reasons similar to those discussed above with respect to claim 3.

Dependent claim 11 is patentable over Seli, PL, and Gusler, taken alone or in combination, for at least the same reasons as base claim 3, from which it depends.

The Office Action, on page 8, rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez et al. (U.S. Patent No. 6,487,718, hereinafter "Rodriguez").

Claims 4 and 9 recite features similar to those in claim 3. Therefore, it is submitted that claims 4 and 9 are patentable over Seli, PL, and Gusler, taken alone or in combination, for reasons similar to those discussed above with respect to claim 3

The Office Action, on page 11, rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez and Gusler.

Claim 12 depends from independent claim 4, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in Rodriguez that cures the deficiencies of Seli, PL and Gusler, as discussed above. Therefore, it is submitted that claim 12 is patentable over Seli, PL, Rodriguez and Gusler, taken alone or in combination.

The Office Action, on page 12, rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of Gusler and further in view of Cheffetz (U.S. Patent No. 5,133,065).

Claim 15 depends from independent claim 3, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in Cheffetz that cures the deficiencies of Seli and Gusler, as discussed above. Therefore, it is submitted that claim 15 is patentable over Seli, PL, Rodriguez and Gusler, taken alone or in combination.

The Office Action, on page 12, rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez and Cheffetz.

Claim 16 depends from independent claim 4, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in either Rodriguez or Cheffetz that cures the deficiencies of Seli and PL, as discussed above. Therefore, it is submitted that claim 16 is patentable over Seli, PL, Rodriguez and Cheffetz, taken alone or in combination.

Accordingly, withdrawal of the rejections is respectfully requested.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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